

REMARKS

Prior to entry this amendment, claims 1-10 are pending in the instant application. Claim 1 has been amended to more clearly recite the present invention. Claim 11 has been added. Claim 1 is the sole independent claim. No new matter has been added.

Applicants appreciate the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants further appreciate the Examiner's acceptance of the drawings filed on November 17, 2003.

Applicants further appreciate the Examiner's consideration of the Information Disclosure Statement filed October 28, 2004.

Claims 1-14 are presented to the Examiner for further or initial prosecution on the merits.

In the outstanding Office action dated April 22, 2005, the Examiner rejected claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0048422 to Cotteverte et al. ("the Cotteverte et al. reference"). Claim 1 has been amended to more clearly define the present invention. It is respectfully submitted that claim 1 is allowable for at least the reasons set forth below.

Claim 1 now recites, in part, that "the first through fourth waveguides each being curved." This is clearly shown in FIGS. 2A and 2B of the original specification. This configuration allows light to propagate within the first through fourth waveguide without interfering with light propagating in another waveguide.

In contrast, while FIGS. 29-31 of the Cotteverte et al. reference may disclose a 2x2 optical switch, two of the waveguides 508, 510 will be straight, and indeed will intersect in the switching region 504, as can be seen from the connection between A-B and a-b. *See, the Cotteverte et al. reference, paragraphs [0093] and [0094].*

Therefore, it is respectfully submitted that the Cotteverte et al. reference fails to disclose or suggest the present invention as now recited in claim 1. The remaining rejected claims depend from claim 1, and are believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

New claim 11 depends from claim 1, and is similarly believed to be allowable. Support for claim 11 may be clearly found in paragraph [0027] of the original specification.

Since the cited prior art reference neither anticipates nor renders obvious the subject invention as presently claimed, applicants respectfully submit that claims 1-11 are now in condition for allowance, and a notice to that effect is respectfully requested.

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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Eugene M. Lee, Reg. No. 32,039

LEE & MORSE, P.C.
1101 WILSON BOULEVARD, SUITE 2000
ARLINGTON, VA 22209
703.525.0978 TEL
703.525.4265 FAX

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.